

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

DECISION and ORDER
09-CR-6126 CJS

VLADIMIR A. ARIAS,

Defendant.

This case was referred by order of the undersigned, dated July 31, 2009, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). Defendant filed an omnibus pretrial motion seeking, *inter alia*, suppression of tangible evidence seized from two locations. On June 17 2010, Magistrate Judge Payson filed a Report and Recommendation [#51] recommending that the Court deny defendant's motion to suppress physical evidence. Defendant timely filed objections to the Report and Recommendation on October 28, 2010 [#59].

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon a *de novo* review of the Report, including a review of the transcript of the hearing held on January 8, 2010 and April 1, 2010, as well as the exhibits received into evidence at the hearing, and after considering the Defendant's objections, the Court accepts the

proposed findings and recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Payson's Report and Recommendation (# 51), defendant's motion (# 19) to suppress physical evidence seized from his vehicle on October 9, 2008, is denied.

IT IS SO ORDERED.

Dated: November 24, 2010
Rochester, New York

ENTER:

/s/ Charles J. Siragusa

CHARLES J. SIRAGUSA
United States District Judge